



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1384

Introduced 2/20/2015, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-8-5
730 ILCS 5/3-8-6

from Ch. 38, par. 1003-8-5
from Ch. 38, par. 1003-8-6

Amends the Unified Code of Corrections. Provides that the Director of Corrections may transfer a person whom the Department of Corrections believes is subject to involuntary admission or meets the standard for judicial admission under the Mental Health and Developmental Disabilities Code, other than an addict, alcoholic, or intoxicated person, to any secure psychiatric unit of any hospital operated by the University of Illinois for observation, diagnosis, and treatment, subject to the approval of the hospital, for a period of not more than 6 months, if the person consents in writing to the transfer. Effective immediately.

LRB099 03958 RLC 23975 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-8-5 and 3-8-6 as follows:

6 (730 ILCS 5/3-8-5) (from Ch. 38, par. 1003-8-5)

7 Sec. 3-8-5. Transfer to Department of Human Services or
8 other hospital.

9 (a) The Department shall cause inquiry and examination at
10 periodic intervals to ascertain whether any person committed to
11 it may be subject to involuntary admission, as defined in
12 Section 1-119 of the Mental Health and Developmental
13 Disabilities Code, or meets the standard for judicial admission
14 as defined in Section 4-500 of the Mental Health and
15 Developmental Disabilities Code, or is an addict, alcoholic or
16 intoxicated person as defined in the Alcoholism and Other Drug
17 Abuse and Dependency Act. The Department may provide special
18 psychiatric or psychological or other counseling or treatment
19 to such persons in a separate institution within the
20 Department, or the Director of the Department of Corrections
21 may transfer such persons other than addicts, alcoholics or
22 intoxicated persons to:

23 (1) the Department of Human Services for observation,

1 diagnosis, and treatment, subject to the approval of the
2 Director of the Department of Human Services, for a period
3 of not more than 6 months, if the person consents in
4 writing to the transfer; or

5 (2) any secure psychiatric unit of any hospital
6 operated by the University of Illinois for observation,
7 diagnosis, and treatment, subject to the approval of the
8 hospital, for a period of not more than 6 months, if the
9 person consents in writing to the transfer.

10 The person shall be advised of his right not to consent,
11 and if he does not consent, such transfer may be effected only
12 by commitment under paragraphs (c) and (d) of this Section.

13 (b) The person's spouse, guardian or nearest relative and
14 his attorney of record shall be advised of their right to
15 object, and if objection is made, such transfer may be effected
16 only by commitment under paragraph (c) of this Section. Notices
17 of such transfer shall be mailed to such person's spouse,
18 guardian or nearest relative and to the attorney of record
19 marked for delivery to addressee only at his last known address
20 by certified mail with return receipt requested together with
21 written notification of the manner and time within which he may
22 object thereto.

23 (c) If a committed person does not consent to his transfer
24 to the Department of Human Services or to any secure
25 psychiatric unit of any hospital operated by the University of
26 Illinois or if a person objects under paragraph (b) of this

1 Section, or if the Department of Human Services determines that
2 a transferred person requires commitment to the Department of
3 Human Services or to any secure psychiatric unit of any
4 hospital operated by the University of Illinois for more than 6
5 months, or if the person's sentence will expire within 6
6 months, the Director of the Department of Corrections shall
7 file a petition in the circuit court of the county in which the
8 correctional institution or facility is located requesting the
9 transfer of such person to the Department of Human Services or
10 to a secure psychiatric unit of a hospital operated by the
11 University of Illinois. A certificate of a psychiatrist,
12 clinical psychologist or, if admission to a developmental
13 disability facility is sought, of a physician that the person
14 is in need of commitment to the Department of Human Services or
15 hospital for treatment or habilitation shall be attached to the
16 petition. Copies of the petition shall be furnished to the
17 named person and to the state's attorneys of the county in
18 which the correctional institution or facility is located and
19 the county in which the named person was committed to the
20 Department of Corrections.

21 (d) The court shall set a date for a hearing on the
22 petition within the time limit set forth in the Mental Health
23 and Developmental Disabilities Code. The hearing shall be
24 conducted in the manner prescribed by the Mental Health and
25 Developmental Disabilities Code. If the person is found to be
26 in need of commitment to the Department of Human Services or to

1 a secure psychiatric unit of a hospital operated by the
2 University of Illinois for treatment or habilitation, the court
3 may commit him to that Department or hospital.

4 (e) Nothing in this Section shall limit the right of the
5 Director or the chief administrative officer of any institution
6 or facility to utilize the emergency admission provisions of
7 the Mental Health and Developmental Disabilities Code with
8 respect to any person in his custody or care. The transfer of a
9 person to an institution or facility of the Department of Human
10 Services or to any secure psychiatric unit of any hospital
11 operated by the University of Illinois under paragraph (a) of
12 this Section does not discharge the person from the control of
13 the Department of Corrections.

14 (Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

15 (730 ILCS 5/3-8-6) (from Ch. 38, par. 1003-8-6)

16 Sec. 3-8-6. Return and Release from Department of Human
17 Services or other Hospital.

18 (a) The Department of Human Services or any hospital
19 operated by the University of Illinois shall return to the
20 Department of Corrections any person committed to it under
21 Section 3-8-5, whose sentence has not expired and whom the
22 Department of Human Services deems no longer subject to
23 involuntary admission, or no longer meets the standard for
24 judicial admission.

25 (b) If a person returned to the Department of Corrections

1 under paragraph (a) of this Section is eligible for parole and
2 has not had a parole hearing within the preceding 6 months, he
3 shall have a parole hearing within 45 days after his return.

4 (c) The Department of Corrections shall notify the
5 Secretary of Human Services or any hospital operated by the
6 University of Illinois of the expiration of the sentence of any
7 person transferred to the Department of Human Services under
8 Section 3-8-5. If the Department of Human Services or any
9 hospital operated by the University of Illinois determines that
10 a person transferred to it under paragraph (a) of Section 3-8-5
11 requires further hospitalization, it shall file a petition for
12 the involuntary or judicial admission of such person under the
13 Mental Health and Developmental Disabilities Code.

14 (d) The Department of Human Services or a hospital operated
15 by the University of Illinois shall release under the Mental
16 Health and Developmental Disabilities Code, any person
17 transferred to it under paragraph (c) of Section 3-8-5, whose
18 sentence and parole term have expired and whom the Department
19 of Human Services or the hospital deems no longer subject to
20 involuntary admission, or no longer meets the standard for
21 judicial admission.

22 (Source: P.A. 89-507, eff. 7-1-97.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.